

Speckin Forensic Laboratories

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DNA ANALYST

PAUL B. ALBEE M.S.
COMPUTER RECOVERY SPECIALIST

JOHN G. FUNKHOUSER Ph.D.
ANALYTICAL CHEMIST - CHEMCON LTD.

State of Michigan)

County of Ingham)

AFFIDAVIT

March 1, 2004

I, Michael J. Sinke, first being duly sworn, state as follows:

I am employed with Speckin Forensic Laboratories as a forensic specialist in latent prints and I have personal knowledge of the facts stated herein, and if called as a witness in this matter I am competent to testify to those facts. (C.V. Attached)

I have been retained by Mr. Paul B. Martins of Helmer, Martins & Morgan Co., L.P.A. of Cincinnati, OH to examine latent print evidence related to the case of the Estate of Roger D. Owensby, Jr. v. City of Cincinnati, et al., Case No. 01-CV-769 (S.D. Ohio).

On 2-25-04 I traveled to Cincinnati, OH and examined the following evidence in conjunction with Mr. John H. Olenik:

- 1 – Sealed manila envelope containing:
 - 1 – Folded empty plastic sandwich baggie.
 - 1 – Knotted plastic sandwich baggie with a quantity of whitish rock substance.
 - 1 – Knotted plastic sandwich baggie with a smaller quantity of off white rock substance.
 - 1 – Knotted plastic sandwich baggie with a quantity of green plantlike material.
 - 1 – Cigar in a plastic wrapper (Not examined per request).

The sealed manila envelope was examined and noted on the envelope was the following:

“OPENED 11-27-00 1400 HRS By P.O. B. VOGEL #605 To TEST FOR PRINTS. PRINTS REQ. 11/27/00 1100 HRS.”

A line with an arrow directs the reader to another writing, which says; “RE SEALED B.V. #605 11/27/00 1500”.

An examination of the evidence contained within the manila envelope revealed that the evidence appeared to have never been processed for latent prints.

The evidence was then processed for latent prints with some ridge structure being developed on three of the four baggies. The ridge structure was examined by Mr. John H. Olenik and myself and determined not to be of value for identification purposes.

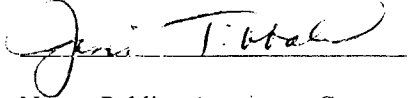
Assuming that the baggies Mr. Olenik and I examined on 2/25/04 were the same baggies seized on 11/7/00, and based upon my years of training and experience, the absence of discernable prints on the plastic baggies can be explained by: (1) the elapsed time between November 7, 2000 to February 25, 2004; (2) the fact that some people do not readily leave discernable latent prints; (3) that the latent prints may have been wiped off of the baggies; and/or (4) the person handling the baggies may have worn gloves or took other precautions not to leave latent prints.

It is my opinion that if the evidence had been processed within a reasonable time after collection that the chances of obtaining latent prints would have been much greater than processing the items almost 3 ½ years later.


Michael J. Sinke

Subscribed and sworn to before me

This 2 day of March, 2004



Notary Public, Laguna County.

My commission expires: 7-29-07

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March 2, 2004

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CURRICULUM VITAE

I received a Bachelor of Science degree in Criminal Justice from Michigan State University in 1972. I enlisted as a trooper in the Michigan State Police in 1972 and worked as a uniformed trooper at the Romeo Post until 1976 when I was transferred to the crime laboratory to begin training for the position of latent fingerprint specialist. Upon completion of the two-year training period, I was assigned to the State Police Crime Laboratory at East Lansing Headquarters and remained there until my retirement on September 26, 1997.

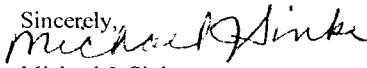
I have more than twenty-seven years experience as a Latent Print Examiner/ Crime Scene Specialist, working on over 7600 cases and performing approximately 6,700 latent print identifications. I have identified over 2000 individuals, and processed approximately 200 major crime scenes which include homicides and armed robberies, and have been established as an expert in latent print identification more than 200 times in Michigan, Ohio and United States Federal Courts. I have extensive knowledge and experience in police procedures and practices and have testified in court in these matters. I have also served on the committee for the establishment of the Automated Fingerprint Identification Systems (AFIS).

I have completed a three-year training program in Forensic Document Analysis at Speckin Forensic Laboratories under the guidance of Leonard Speckin, Robert Kullman and Erich Speckin, from October 1997 to October 2000, and currently am employed in a full time capacity at this laboratory. I have qualified as an expert in document and handwriting analysis in Bay City Circuit Court, Wayne County Probate Court as well as other District Courts in the State of Michigan.

In 1997 I received a certificate of appreciation for outstanding service from the Ingham County Sheriff's Department for my involvement in solving a conspiracy to murder which entailed the abduction, torture, murder and beheading of the victim, resulting in the ultimate conviction of all three co-conspirators. I received the Meritorious Award from Meridian Township Police Department for assisting in solving a malicious double murder in 1988 and the Professional Excellence Award for assisting in solving a robbery/homicide from the Department of State Police in 1986. I have also received the Departmental Commendation Award from Jackson County Sheriff for assisting in solving a double homicide, A Certificate of Appreciation from the Department of State Police in 1985, and the Professional Excellence Award from the Department of State Police for assisting in solving a brutal homicide in 1980.

I have completed an array of professional development programs including the International Homicide Investigation, Findlay, Ohio; Recovering Skeletal Remains, Department of State Police /MSU School of Anthropology, East Lansing, Michigan; Supervisor Development, Michigan State Police, Lansing, Michigan; Forensic Pathology-The Study of Violent Death, MSU School of Criminal Justice, East Lansing, Michigan; Instructor Development, Federal Bureau of Investigation, Michigan State Police Academy, Lansing, Michigan; Crime Scene Investigation, Federal Bureau of Investigation, Quantico, Virginia; Advanced Latent Print, Federal Bureau of Investigation, Washtenaw Community College, Ypsilanti, Michigan; and The Physical Significance of Bloodstain Evidence, Laboratory of Forensic Science, Corning, New York.

I am a life member of the Michigan-Ontario Identification Association and the International Association for Identification and have been involved with those organizations since 1976 and also I am currently a provisional member of the American Academy of Forensic Sciences.

Sincerely,

Michael J. Sinke
Forensic Specialist

Rev. 10/27/03